

§ 390. Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agricultural, grazing, and other purposes

The Secretary of the Interior be, and he is hereby, authorized, in his discretion, to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands under his jurisdiction which have been withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead, and Duck Valley or Western Shoshone irrigation projects for the benefit in whole or in part of Indians, and to lease such lands for agricultural, grazing, or other purposes: *Provided*, That no lands so leased shall be eligible for benefit payments under the crop control program, or the soil conservation act: *Provided further*, That such concessions may be granted on lands leased by the Secretary of the Interior under such rules, regulations, and laws as govern his administration of the public domain as far as applicable, for such considerations, monetary or otherwise, and for such periods of time as he may deem proper, the term of no concession to exceed a period of ten years: *Provided further*, That the funds derived from such concessions or leases, except funds so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be available for expenditure in accordance with the existing laws in the operation and maintenance of the irrigation projects with which they are connected. Any funds derived from reserves for which the tribe has not been compensated shall be deposited to the credit of the proper tribe: *Provided further*, That where tribal lands of any Indian tribe organized under section 476 of this title, have been withdrawn or reserved for the purposes hereinbefore mentioned, such lands may be leased or concessions may be granted thereon only by the proper tribal authorities, upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws or charter of the respective tribes: *Provided further*, That concessions for recreation and fish and wildlife purposes on San Carlos Lake may be granted only by the governing body of the San Carlos Apache Tribe upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws of such Tribe.

(Apr. 4, 1938, ch. 63, 52 Stat. 193; Oct. 30, 1992, Pub. L. 102-575, title XXXVII, § 3710(e), 106 Stat. 4750.)

AMENDMENT OF SECTION

For termination of amendment by section 3711(b)(1) of Pub. L. 102-575, see Effective and Termination Dates of 1992 Amendment note below.

AMENDMENTS

1992—Pub. L. 102-575 inserted before period at end “: *Provided further*, That concessions for recreation and fish and wildlife purposes on San Carlos Lake may be granted only by the governing body of the San Carlos Apache Tribe upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws of such Tribe”.

EFFECTIVE AND TERMINATION DATES OF 1992 AMENDMENT

Section 3711 of title XXXVII of Pub. L. 102-575, as amended by Pub. L. 103-435, § 13, Nov. 2, 1994, 108 Stat. 4572, provided that:

“(a) **EFFECTIVE DATE OF AUTHORIZATION.**—The authorization contained in section 3708(b) of this title [106 Stat. 4748] shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

“(1) the Secretary has fulfilled the requirements of sections 3704 and 3706 [106 Stat. 4742, 4745];

“(2) the Roosevelt Water Conservation District sub-contract for agricultural water service from CAP has been revised and executed as provided in section 3705(b) [106 Stat. 4744];

“(3) the funds authorized by section 3707(c) [106 Stat. 4748] have been appropriated and deposited into the Fund;

“(4) the contract referred to in section 3707(a)(2) [106 Stat. 4747] has been amended;

“(5) the State of Arizona has appropriated and deposited into the Fund \$3,000,000 as required by the Agreement;

“(6) the stipulations attached to the Agreement as Exhibits ‘D’ and ‘E’ have been approved; and

“(7) the Agreement has been modified, to the extent it is in conflict with this title [amending this section and section 1524 of Title 43, Public Lands, and enacting provisions set out as a note under section 1524 of Title 43], and has been executed by the Secretary.

“(b) **CONDITIONS.**—(1) If the actions described in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection (a) of this section have not occurred by December 31, 1995, subsections (c) and (d) of section 3704 [106 Stat. 4743], subsections (a) and (b) of section 3705 [106 Stat. 4744], section 3706 [106 Stat. 4745], subsections (a)(2), (c), (d), and (f) of section 3707 [106 Stat. 4747], subsections (b) and (c) of section 3708 [106 Stat. 4748], and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 3710 of this title [106 Stat. 4750, subsec. (e) amends this section], together with any contracts entered into pursuant to any such section or subsection, shall not be effective on and after the date of enactment of this title [Oct. 30, 1992], and any funds appropriated pursuant to section 3707(c) [106 Stat. 4748], and remaining unobligated and unexpended on the date of the enactment of this title, shall immediately revert to the Treasury, as general revenues, and any funds appropriated by the State of Arizona pursuant to the Agreement, and remaining unobligated and unexpended on the date of the enactment of this title, shall immediately revert to the State of Arizona.

“(2) Notwithstanding the provisions of paragraph (1) of this subsection, if the provisions of subsections (a) and (b) of section 3705 of this title have been otherwise accomplished pursuant to provisions of the Act of October 20, 1988 [Pub. L. 100-512, 102 Stat. 2549], the provisions of paragraph (1) of this subsection shall not be construed as affecting such subsections.”

CHAPTER 12—LEASE, SALE, OR SURRENDER OF ALLOTTED OR UNALLOTTED LANDS

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